

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

_____	:	Case No. _____
	:	
Plaintiff(s)	:	Judge Dlott
	:	
v.	:	
	:	
_____	:	<b><u>FINAL PRETRIAL ORDER</u></b>
	:	<b><u>(REQUIRED FORM)</u></b>
	:	
Defendant(s)	:	

This action came before the Court at a final pretrial conference held on \_\_\_\_\_, 200\_\_, at \_\_\_ a.m./p.m., pursuant to Rule 16, Federal Rules of Civil Procedure.

I. APPEARANCES:

For Plaintiff:

For Defendant:

II. NATURE OF ACTION AND JURISDICTION:

- A. This is an action for\_\_\_\_\_.
- B. The jurisdiction of the Court is invoked under Title \_\_, United States Code, Section \_\_.
- C. The jurisdiction of the Court (is/is not) disputed.

III. TRIAL INFORMATION:

- A. The estimated length of trial is \_\_\_\_ days.
- B. Trial to (the Court/a jury) has been set for \_\_\_\_\_, 200\_\_, pursuant to the General Order on Trial Assignment.

Or:

A trial assignment will be made by the Court at a future date.

IV. AGREED STATEMENTS AND LISTS:

A. General Nature of the Claims of the Parties

1. Plaintiff Claims:

*Set out brief summary without detail; an itemized statement of special damages should be included.*

2. Defendant Claims:

*Set out brief summary without detail.*

3. All other parties' claims:

*Same type of statement where third parties are involved.*

B. Uncontroverted Facts

**Suggested language:**

The following facts are established by admissions in the pleadings or by stipulations of counsel:

*Set out uncontroverted or uncontested facts.*

C. Contested Issues of Fact and Law

**Suggested language:**

1. Contested Issues of Fact: The contested issues of fact remaining for decision are:

*Set out a brief statement of the remaining contested issues of fact.*

2. Contested Issues of Law: The contested issues of law in addition to those implicit in the foregoing issues of fact, are:

*Set out a brief statement of the remaining contested issues of law.*

Or: There are no special issues of law reserved other than those implicit in the foregoing issues of fact.

D. Witnesses

**Suggested language:**

1. In the absence of reasonable notice to opposing counsel to the contrary, plaintiff will call, or will have available at the trial:

***Provide a brief individualized synopsis of each witness' testimony.***

2. In the absence of reasonable notice to opposing counsel to the contrary, defendant will call, or will have available at the trial:

***Provide a brief individualized synopsis of each witness' testimony.***

3. In the absence of reasonable notice to opposing counsel to the contrary, \_\_\_\_\_ will call:

***Provide a brief individualized synopsis of each witness' testimony. (Use for third parties, if any).***

4. There is reserved to each of the parties the right to call such rebuttal witnesses as may be necessary, without prior notice thereof to the other party.

Note: *Only witnesses listed in the Pretrial Order or identified in accordance with paragraph 4 above will be permitted to testify at the trial, except witnesses called solely for purpose of impeachment or for good cause shown.*

E. Expert Witnesses

**Suggested language:**

Parties are limited to the following number of expert witnesses whose names have been disclosed to the other side.

Plaintiff:

*List all expert witnesses plaintiff intends to call at trial.*

Defendant:

*List all expert witnesses defendant intends to call at trial.*

Counsel have attached a resume of each expert's qualifications as Appendix A herein.

F. Exhibits

Needless Court time is taken up in the marking of exhibits during trial. Accordingly, the exhibit list should be prepared prior to trial and set forth in the pretrial order. Exhibit markers should be attached to all exhibits at the time they are shown to opposing counsel during the preparation of the pretrial order. A supply of marking tags for exhibits may be obtained from the Clerk's Office. They should be attached to the lower right-hand corner whenever possible.

Except for good cause shown, the Court will not permit the introduction of any exhibits unless they have been listed in the pretrial order, with the exception of exhibits to be used solely for the purpose of impeachment.

Exhibit lists should be attached as appendices to the pretrial order as follows:

Appendix B Joint Exhibits  
Appendix C Plaintiff Exhibits  
Appendix D Defendant Exhibits  
Appendix E Third-Party Exhibits

G. Depositions

**Suggested language:**

Testimony of the following witnesses will be offered by deposition/videotape:

*List all witnesses whose testimony will be offered by deposition or videotape. If none, so state.*

H. Completion of Discovery

Except for good cause, all discovery shall be completed before the Final Pretrial Order is signed by the Court. If discovery has not been completed, the proposed pretrial order shall state what discovery is yet to be done by each side, when it is scheduled, when it will be completed, and whether any problems, such as objections or motions, are likely with respect to the uncompleted discovery.

**Suggested language:**

Discovery has been completed.

Or: Discovery is to be completed by \_\_\_\_, 20\_\_.

Or: Further discovery is limited to \_\_\_\_\_.

Or: The following provisions were made for discovery:

*Specify all such provisions.*

I. Miscellaneous Orders

*Set forth any orders not properly includable elsewhere.*

V. MODIFICATION

This Final Pretrial Order may be modified at the trial of this action, or prior thereto, to prevent manifest injustice. Such modification may be made by application of counsel or on motion of the Court.

VI. JURY INSTRUCTIONS

Jury instructions, including interrogatories, special verdict forms, and an index of the jury instructions shall be submitted by email to Dlott\_Chambers@ohsd.uscourts.gov at least ten (10) business days prior to the commencement of trial. In addition, all of the above shall be electronically filed in the Clerk's Office at least ten (10) business days prior to the commencement of trial. There is reserved to counsel the right to submit supplemental requests for instructions during trial, or at the conclusion of the evidence, but only on matters that cannot be reasonably anticipated.

Each instruction should be on a separate page identified as "Plaintiff's (Defendant's) Requested Instruction No. \_\_\_\_." All instructions must contain a citation of authority (including the page number for the specific legal proposition for which you are citing the case) upon which counsel relies. A request for special instructions must be filed with the Clerk of Court's Office, prior to presentation to the Court.

VII. SETTLEMENT EFFORTS

*Set forth circumstances surrounding the parties' efforts to negotiate a settlement.*

VIII. TRIAL TO THE COURT

**Proposed Findings of Fact & Conclusions of Law:** Contemporaneously with the submission of this proposed Final Pretrial Order, the parties separately shall file those Findings of Fact and Conclusions of Law that each counsel believes the Court should make.

IX. ADDITIONAL ACTION TAKEN

**Suggested language:** The foregoing stipulations and statements were amended at the final pretrial conference as follows:

**IT IS SO ORDERED.**

\_\_\_\_\_  
SUSAN J. DLOTT  
United States District Judge

\_\_\_\_\_  
Counsel for Plaintiff

\_\_\_\_\_  
Counsel for Defendant